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Report Series 1991

91-14 AMO's Response To: Government Land for Housing

Association of Municipalities of Ontario
August 1991

MISSION STATEMENT

AMO unites Ontario's municipalities.

We take pride in promoting, supporting and enhancing strong and effective municipal government.

We provide strategic leadership by:

- developing and effectively promoting responsive quality policy;
- informing and educating governments, the media and the public;
- marketing innovative and beneficial services.

Our elected representatives, municipal officials and association staff form a team which values and respects:

- diversity and local autonomy;
- fairness and equity;
- consultation;
- consensus;
- co-operation.

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EXECUTIVE SUMMARY

In June 1991, the Province released its consultation paper, *Government Land for Housing*, to review its existing Housing First policy towards increasing the provision of government land for affordable housing.

Existing Housing First Policy

Under the existing provincial government "Housing First" policy, surplus lands of ministries, and some Crown agencies, that are suitable for housing are to be used for housing. The Government believes that this policy can be improved, and therefore it has proposed a new "Housing Priority" policy. The Government has first adopted six policy changes, and in addition, has identified four questions for consultation towards making government land a more effective tool for promoting affordable housing. AMO's responses to the Government's "preferred approach" to each of these four questions is summarized below.

Mix of Housing Types

The paper asks how much affordable housing should be provided on government sites, and how this should be distributed amongst non-profit / co-operative housing, and affordable private ownership or rental housing. AMO agrees with the preferred approach where smaller government sites that would accommodate only one project should be used for not-for-profit housing. However, if an area already has a significant non-profit or public housing component, then it may be appropriate to use a site for another housing use, e.g. affordable housing for first time home buyers.

AMO has qualified support for the preferred approach for large sites where the objective would be 60% affordable housing, with at least 30% of the affordable units for not-for-profit housing, and the other 30% for affordable private housing (ownership or rental). AMO recommends the following: the objective or proposed mix should be seen as a target and not an absolute requirement; the basis for determining the appropriate mix should be municipal housing statements or housing policies; provincial government assistance should be provided to help combat NIMBY (Not-In-My-Back-Yard); and clarification is needed regarding the mechanisms the Province intends to use to secure the affordable market housing component (e.g., resale price controls).

Reserving Not-for-Profit Sites	AMO agrees with the reserving not-for-profit sites, for up to five years, until such time as they can be allocated to a specific group. However, in those cases where there is an existing municipal infrastructure for the disposition of government lands (i.e., local housing first policy, or municipal land banking program) then the disposition of land within that municipality should occur through this structure.
Acquisition of New Sites for Housing	AMO supports land acquisition under the following conditions: the Province should not get involved if local providers are interested or already involved in land acquisition; acquisition should be through the establishment of local land banking funds available to a non-profit land trust or municipality; and if a high need area is identified and no local provider is meeting this need, then the Province should either become involved in acquisition or community development.
Participation by Municipalities, School Boards and Transfer Payment Agencies	The Government's preferred approach is that municipalities (and their local boards), school boards and transfer payment agencies in urban areas of the Province should be subject to a statutory provincial "right of first refusal" for housing purposes. AMO does not support this approach subject to the resolution of several concerns of the Association. These concerns are briefly summarized below. AMO recommends that further provincial-municipal consultation is required to address these issues.
Intent	First, as opposed to making this an obligation to sell surplus lands to the Province, AMO believes that a "right of first notification" is sufficient.
Exemptions	The following exemptions should be allowed: if council declares in a meeting open to the public that the real property is unsuitable for housing purposes and states the reasons for the unsuitability; if council decides to sell the property to a non-profit housing corporation; sale to a conservation authority; real property not exceeding 0.3 metres in width; sales to another government or agency (local, county, metropolitan, regional or district municipality, a local board, school board, or a provincial or federal government or its agencies); and if a municipality or agency is already governed by a housing first policy.

Additional issues	The approach should not call for municipalities to dispose of land at less than market value; clarification is needed on the relative importance of provincial policies on housing, education, the environment, natural resources, agriculture etc.; Conservation Authorities should be included in the list of applicable agencies; and, the provincial government needs to address the planning and financial mechanisms available to ensure the long-term affordability of private ownership housing.

1 Introduction

Provincial Government Housing Policy

One of the Ontario Government's top priorities is to ensure that all residents of this province have decent affordable accommodation. The government has established four fundamental principles to serve as the basis of this housing policy priority:

- Access to safe, secure and affordable housing, suitable to people's needs, is a basic human right.
- Housing is fundamental to individual and family well-being and to the quality of life in Ontario communities.
- Housing contributes significantly to the prosperity and stability of Ontario's economy.
- Responsibility for the provision of housing is shared among all levels of government and among all sectors of Ontario's economy and society.

Towards realizing these four housing policy principles the Ministry of Housing is moving forward with the following actions: introduction of rent control; the enhancement of quality of life in public housing; the announcement of funding for 10,000 not-for-profit housing units in the April Provincial Budget; the development of a comprehensive housing framework; and making better use of government lands for housing.

In June 1991, the provincial government released its consultation paper *Government Land for Housing* to review the existing Housing First policy towards strengthening its performance in providing land for affordable housing.

Existing Housing First Policy

In 1987 the provincial government established a "Housing First" policy. Under this policy, surplus lands of ministries and some Crown agencies that were suitable for housing were to be used for housing, and at least 35% of the units developed in any year were to be affordable. Land not suitable for affordable housing was to be sold and the proceeds applied to a "Housing Development Fund."

New Housing Priority Policy

About 5000 units have been produced under the Housing First policy to date. The Government believes that this performance can be improved by strengthening the "Housing First" policy under a new Housing Priority policy. The policy changes that the Government has adopted are as follows:

Clearer Housing Priority

Housing will be given a clearer priority in the allocation of surplus Government sites in urban areas that are suitable for housing. Sites will be considered for housing uses as soon as they are surplus to the needs of an individual ministry or agency. The only exceptions will be if the Government decides that there is a more compelling provincial use that should take precedence.

Inventory of Underutilized Sites

The Government will be looking at provincial sites that have not yet been declared surplus, but that may become so, or that could accommodate more development. The Management Board of Cabinet recently issued a Directive requiring ministries and agencies to identify their underutilized properties. An inventory of underutilized urban sites will be prepared annually.

Application to Crown Agencies

The policy will apply to virtually all Crown agencies of the Government. Newly covered agencies include the LCBO, the Workers Compensation Board and the colleges of applied arts and technology (listed in Appendix A). The way in which the policy applies to each agency will be determined on a case-by-case basis.

Use of High-Value Sites

There are instances where significantly more affordable housing can be produced if a site is sold, and the proceeds used to buy other sites, than if the site is developed directly for affordable housing. Such high-value sites will be only sold where approved by Cabinet. This will replace the Housing Development Fund from which moneys were only used indirectly for housing purposes (e.g. on infrastructure).

Planning Approval Support

The Government intends to continue to actively assist affordable housing development on its sites through the planning approval process. Where necessary, the Government will also intervene in support of affordable housing developments on government land, at meetings with municipalities and residents and in hearings at the OMB. The Government will issue a statement clarifying its objectives for housing development on government sites so that they can be fully considered in the planning process.

Environmental Leadership

The Government intends to continue to demonstrate leadership in environmentally responsible development. Development on provincial land, unlike private development, must comply with the requirements of the *Environmental Assessment Act* as well as the *Planning Act*. Currently, the Ministry of Government Services conducts environmental management studies under an "exemption order." This, however, will shortly be replaced with a full "class" environmental assessment covering all MGS realty activities.

2 Questions for Consultation

The paper states that in addition to the policy changes already adopted by the provincial government, there are other measures that would make government land an even more effective tool for promoting affordable housing. The paper identifies four questions for consultation and, in order to facilitate the consultation process, the Government has developed a "proposed preferred approach" for consultation on each of the four questions.

AMO's Response to the Consultation Paper

Many of the issues raised in the "questions for consultation" are addressed by AMO in its response to a second consultation paper, *A Housing Framework for Ontario*. This second consultation paper is therefore referenced throughout this response. **Each of the four questions for consultation is summarized in bold print below followed by the provincial government's preferred approach and AMO's response.**

2.1 Mix of Housing Types

Question 1: how much affordable housing should be provided on government sites, what proportion of this affordable housing should be made available for non-profit / co-operative housing, and what proportion should be made available for affordable private ownership or rental housing?

Preferred Approach for Consultation

- Smaller government sites that would accommodate only one project should always be used for not-for-profit housing.

- The objective for larger government sites would be 60% affordable housing, with at least half of the affordable units (30% overall) being for not-for-profit housing, and the other 30% for affordable private housing (ownership or rental). The remaining 40% of the units could then be unspecified market housing. Significant variations from the 30/30/40 objective should only occur where justified by community need or physical site constraints.

AMO's Response

AMO agrees with the preferred approach for small sites. However, in the assessment of a small site, other issues should also be taken into consideration. For example, if an area already has a significant non-profit or public housing component it may make sense to use that site for another housing use, e.g. affordable housing for first time home buyers.

AMO has qualified support for the preferred approach for large sites and recommends the following:

Treat Proposed Mix as a Target

The objective or proposed mix should be seen as a target and not an absolute requirement:

- The proportions proposed in the paper are a good starting point. In general, AMO supports measures to increase the proportion of affordable housing on government sites.

- The 60% matches that in the Land Use Planing for Housing Policy Statement and therefore there is consistency in application.

- It is noted in the consultation paper that the same need for assisted housing may not always exist in all communities. For example, if there is no demand or need for non-profit or co-op housing, then affordable ownership housing options could be pursued. By establishing the mix as a target this provides a mechanism for flexibility to respond to local housing needs as well as the size of a site, location, etc. It permits allocating higher or lower proportions to non-profit and affordable ownership housing in the appropriate circumstances. In its response to *A Housing Framework for Ontario*, AMO has also

recommended such flexibility in program guidelines for non-profit housing.

Basis for Determining Appropriate Mix

- It is important that municipalities have input in determining the types of housing best suited for a community. AMO believes that the mix should reflect local housing needs as identified by municipal housing statements or housing policies. Every municipality identified in the appendix of the consultation paper is obliged to implement the provincial Housing Policy Statement and therefore must set local housing priorities. This position is consistent with AMO's response to the *A Housing Framework for Ontario*.

Community Acceptance

- Provincial assistance is required to combat NIMBY (Not-In-My-Back-Yard). This assistance could range from provincial attendance at local public meetings to financial assistance.

- Additional studies are also required at the provincial level. The EKOS report has gone a long way to counter the negative property values argument. Now we need a provincial study to look at local crime statistics and the related impact on communities of a non-profit or co-op locating in an existing neighbourhood.

- AMO agrees with the suggestion that the provincial government should be responsible for obtaining the initial planning approvals to permit the various uses on the sites prior to the site being handed over to a local provider.

Affordable Market Housing

- Some clarification is needed regarding the mechanisms the Province intends to use to secure the affordable market housing component. While non-profit/co-operative housing should have priority to ensure permanent affordability, ownership units should also be targeted to lower income households and resale price controls should apply over the long term to ensure ongoing affordability as units change hands. AMO has addressed these issues first in response to the Draft Housing Policy Statement and further in its response to *A Housing Framework for Ontario*.

2.2 Reserving Not-for-Profit Sites

Question 2: Should government land made available for assisted housing be reserved until an appropriate non-profit or co-operative housing group can be found, and if so for how long?

Preferred Approach for Consultation

Sites for non-for-profit housing would be held by the Ministry of Government Services until such time as they can be allocated to a specific group by the Ministry of Housing. If an appropriate group is not found immediately, the site would be managed by the Ministry of Government Services for a maximum of five years from the date that it becomes available for housing development.

AMO's Response

AMO agrees with the preferred approach and that the five year time frame to hold the site for non-for-profit use is reasonable.

- However, in those cases where there is an existing municipal infrastructure for the disposition of government lands (local housing first policy, or municipal land banking program) then the disposition of land within that municipality should occur through this structure.

- In the situations where the provincial government recognizes a need in the community and no local housing provider is available, able or willing to develop the site, then the Ministry of Housing should act as the developer in conjunction with the Ministry of Government Services, or become involved in community development.

- The government needs a coordinated strategy of matching unit allocations with available sites; land should not have to be held vacant for long periods of time if allocations are available. For example, some municipalities have established land banking programs, however there is no commitment from the Province for allocations. Municipalities therefore have to sell these lands if they cannot be assured of allocations.

- In the past, the release of government land has been hampered by having two Ministries involved in the process. The new "housing priority" policy should be administered solely by the Ministry of Housing since it is responsible for housing policy and programs including the administration of the non-profit housing program. When sites are identified as surplus these should therefore be turned over immediately to the Ministry of Housing.

- Finally, AMO questions what the financial effects are of holding and maintaining a site on the eventual sell or lease price? Are carrying / maintenance costs to be passed on? Will MUPs (Maximum Unit Prices) cover this?

2.3 Acquisition of New Sites for Housing

Question 3: Should the provincial government have a general program of acquiring new sites for affordable housing, and if so, what criteria should be used for determining where sites should be acquired?

Preferred Approach for Consultation

The provincial government should have a general policy of acquiring sites for affordable housing in communities that have a significant need but that have a proportionately small amount of surplus government land available for housing.

AMO's Response

AMO first questions whether the Province would have the resources to identify local needs at a sufficiently detailed level to justify acquisitions. Therefore, AMO supports that land acquisition should occur as follows:

- AMO believes that the Province should not get involved if local providers are interested or already involved in land acquisition (e.g. local land banking program).

Acquisition - Support Local Municipal Land Banking Programs

- AMO supports that the approach should be through the establishment of <u>local</u> land banking funds available to a non-profit land trust or municipality.

AMO believes municipalities or community organizations are in the best position to do land banking since they have knowledge of those lands likely to be developed in the future. AMO has also supported municipal land banking in its response to *A Housing Framework for Ontario*.

- However, as stated in response to the Housing Framework, if a high need area is identified and no local provider is meeting this need, then the Province should declare an interest and either become involved in acquisition and delivery or community development (ie. assist in the establishment of community-based organizations).

- Finally, if the Province purchases the sites, then the sale to the not-for-profit sector must recognize MUP constraints.

2.4 Participation by Municipalities, School Boards and Transfer Payment Agencies

Question 4: Should municipalities, school boards and transfer payment agencies be required to offer their surplus properties to the Province for purchase for housing and should the Province's right be one of "first refusal" or of "first notification?"

Preferred Approach for Consultation

Municipalities (and their local boards), school boards and transfer payment agencies in urban areas of the province should be subject to a statutory provincial "right of first refusal" for housing purposes. This means that their surplus land would have to be offered to the Province for purchase prior to other bids being taken.

AMO's Response

AMO does not support this approach subject to the resolution of several concerns of the Association which are summarized below. AMO recommends that further provincial-municipal consultation is required to address these issues.

2.4.1 Legislative Issues Addressed by the Provincial-Municipal Committee

Some of the issues which need to be resolved were raised in the context of discussions surrounding Bill 152, *An Act to Amend the Municipal Act* which was

introduced in April 1990 and died on the order paper when the election was called. Bill 152 dealt with amendments to the *Municipal Act* which included a provision to give the Province a "right of first refusal" for surplus properties of municipalities and their local boards (section 195a; see excerpt in Appendix B). While the bill died on the order paper, a provincial-municipal committee did complete an extensive report on the regulations required to implement the legislation. The Committee raised several key issues related to this legislation in its draft report which to some extent are mentioned in the consultation paper.

The consultation paper states that whatever the ultimate form of the Province's right, there would be a number of administrative details to be resolved on implementation. However, AMO believes several fundamental questions about the legislation which would implement this Provincial right need to be debated and discussed prior to dealing with administrative details. The work of the above-mentioned committee on this legislation provides the substance for this discussion. The main issues are highlighted below.

Intent

There was considerable discussion of two different interpretations of the intent of Section 195a: is this a notice provision to ensure that the Province is aware of available municipal surplus land, or an obligation to sell to the Province? The majority of the provincial-municipal committee agreed that the intention of Section 195a was for the Province to receive sufficient notice of surplus real property for sale by municipalities. As the consultation paper notes, the municipal representatives on this committee particularly argued that a "right of first notification" is sufficient. AMO concurs with this position.

The consultation paper chooses to recommend the "right of first refusal" since the alternative could lead to the loss of desirable housing sites if the Province were placed on par with other potential bidders, some of who would have more direct local knowledge.

Clarification of Wording

The provincial-municipal committee was of the opinion that the housing purpose for land was obscured in the text. The Committee therefore recommended that Section 195a be amended to clearly specify that this

applies to land the Province "wishes to buy for housing purposes."

However, the consultation paper notes that the Province itself currently in effect affords municipalities a right of first refusal in respect of surplus provincial properties located within their boundaries, for any municipal purpose.

Conditional Offers

Section 195a states that a municipality "may offer to sell" a property. The Committee interpreted the phrase "offer to sell" as implying that a municipality could not negotiate the sale of the real property with a private purchaser concurrent with negotiating with the Province or its designated purchaser.

The majority of the Committee believed that the Section should be amended to allow for such conditional offers.

Exemptions

Exemptions from the notification requirements were provided for under the following circumstances:

- under section 113 of the *Municipal Act* which gives municipalities powers to make grants in certain circumstances;
- under subsection 316(2) of the *Municipal Act* where an abutting owner exercises a right of purchase over roads which have been closed by a municipality; and,
- under section 44 of the *Expropriations Act* which provides that when lands are expropriated and are no longer required, the former owners must be given first chance to repurchase those lands.

The Committee recommended the following additional exemptions:

- The Committee believed it is important to give councils some discretion in deciding if a property was suitable for residential dwellings. An exemption was developed stating that "if council declares in a meeting open to the public that the real property is unsuitable for housing purposes and states the reasons for the unsuitability," then

the property can be declared exempt. This exemption would allow councils to avoid the expense and delay of notifying the Province when the surplus land is clearly unsuitable for housing by making a public declaration. The intent of this would not be to require such declarations on a site-by-site basis, but that this occur as part of the regular planning process and designation of lands within the municipality (i.e. Official Plan Amendments and re-zonings).

- If council decides to sell the property to a non-profit housing corporation; the municipality would be furthering the housing purpose of section 195a again without the delay and expense of notifying the Province.

- Sale to a conservation authority. Such land would be used for public or municipal program use and so would not leave the public domain.

- Real property not exceeding 0.3 metres in width should be excluded from the notice provision. This would allow municipalities to convey "one foot reserves" which are used to reserve rights to municipalities during the development process. Such reserves are, in the Committee's opinion, unsuitable for housing and the delay and expense associated with notification would be unnecessary.

- Sales to another government or agency (local, county, metropolitan, regional or district municipality, a local board, school board, or a provincial or federal government or its agencies).

AMO supports these additional exemptions proposed by the Committee.

Additional Exemption Considered by the Committee

The Committee considered including an exemption for those municipalities that have a Housing First Policy Statement. However, the Committee felt it could not make a recommendation on this because a larger study is first required of the policy implications of how this exemption could be implemented or enforced. Therefore, the Committee recommended that:

- Given further policy consideration and definition of the form and contents of a Housing First

Policy Statement by the Province, such an exemption might be advisable to facilitate compliance with section 195a; and,

- If such an exemption is developed the regulatory power in subsection 195a (8) should be expanded to include it.

AMO agrees that exemptions should be provided if a municipality or agency already is governed by a housing first policy. AMO believes that there is merit in a locally-designed housing first policy and that if a municipal policy is already in place then there is no need to bring in an additional layer of provincial bureaucracy. This responsibility for the development of government land would continue within the broad policy parameters established by the provincial government. Furthermore, as stated above in the discussion of land acquisitions, AMO supports municipal land banking programs for acquiring and holding land for housing. Finally, this position concurs with AMO's response to *A Housing Framework for Ontario*.

Designated Municipalities

Municipalities designated as priority areas under the Land Use Planning for Housing Policy Statement were proposed to be subject to the legislation. The Committee recommended that the Ministry of Housing review and revise the list of designated municipalities every three years (see Appendix C).

2.4.2 Additional Issues

AMO believes that the following issues also need to be addressed in addition to those raised by the provincial-municipal committee:

Purchase Price

- At what price will the Province agree to buy lands from municipalities? At market value; at MUP value? The approach should not call for these agencies to dispose of land at less than market value. AMO's existing position is that agencies under provincial control including education boards should sell at prices consistent with MUP's.

- Who assumes the debt/loss? AMO believes the Province must assume any loss.

- The City of Toronto has suggested that if the Province is to acquire municipal surplus lands, then the City should receive market value for its land as established by an independent appraisal based on the highest and best use of the property.

Provincial Government Land Use Priorities

- A "housing priority" policy raises the more general issue about government priorities. Clarification is needed on the relative importance of provincial policies on housing, education, the environment, natural resources, agriculture etc.

Applicable Agencies

- AMO believes that Conservation Authorities should be included in the list of agencies for which such a policy should be applicable. Some land holdings of these authorities are likely suitable for housing.

Maintaining affordability of ownership housing over time

This issue is of particular interest when government lands are involved. As mentioned previously under the question of housing mix, AMO believes that the provincial government needs to address the planning and financial mechanisms available to ensure the long-term affordability of private housing.

This is an issue AMO raised in response to the Land Use Planning for Housing Policy Statement, and more recently in response to the Housing Framework consultation paper.

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Appendix A - Additional Provincial Government Agencies Covered by the Housing Priority Policy

OPERATIONAL AGENCIES

SCHEDULE II

AGRICULTURE AND FOOD

Ontario Food Terminal Board
Ontario Stock Yards Board

CONSUMER AND COMMERCIAL RELATIONS

Liquor Control Board of Ontario

ENERGY

Ontario Energy Corporation
Ontario Hydro

ENVIRONMENT

Ontario Waste Management Corporation

HOUSING

North Pickering Development Corporation

NATURAL RESOURCES

Algonquin Forestry Authority

NORTHERN DEVELOPMENT AND MINES

Ontario Northland Transportation Commission

SKILLS DEVELOPMENT

Ontario Training Corporation

TOURISM AND RECREATION

Metropolitan Toronto Convention Centre Corporation
Niagara Parks Commission
Ontario Lottery Corporation
Ottawa Congress Centre

TRANSPORTATION

Toronto Area Transit Operating Authority

TREASURY AND ECONOMICS

Stadium Corporation of Ontario Ltd.

OPERATIONAL AGENCIES

SCHEDULE III

COLLEGES AND UNIVERSITIES

Boards of Governors - Colleges of Applied Arts and Technology

CULTURE AND COMMUNICATIONS

McMichael Canadian Collection
Ontario Educational Communications Authority
Province of Ontario Council for the Arts
Royal Ontario Museum
Science North

EDUCATION

Ontario Institute for Studies in Education
Ontario Teachers' Pension Plan Board

FINANCIAL INSTITUTIONS

Ontario Share and Deposit Insurance Corporation

HEALTH

Alcoholism and Drug Addiction Research Foundation (ARF)
Clarke Institute of Psychiatry
Community Advisory Boards - Psychiatric Hospitals
District Health Councils
Ontario Cancer Institute
Ontario Cancer Treatment and Research Foundation
Ontario Mental Health Foundation

HOUSING

Local Housing Authorities

INDUSTRY, TRADE AND TECHNOLOGY

Ortech Corporation

LABOUR

Workers' Compensation Board
Workplace Health and Safety

MANAGEMENT BOARD OF CABINET

Public Service Pension Board

MUNICIPAL AFFAIRS

Moosonee Development Area Board
Ontario Municipal Employees Retirement Board

TOURISM AND RECREATION

Ontario Trillium Foundation - Board of Directors
Thunder Bay Ski Jumps Limited

Appendix B - Excerpts from Bill 152

Bill 152 **Government Bill**

2ND SESSION, 34TH LEGISLATURE, ONTARIO 39 ELIZABETH II, 1990

Bill 152

An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Sweeney
Minister of Municipal Affairs

1st Reading April 19th, 1990
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTES

SECTION 1. Section 55 of the *Municipal Act* is re-enacted to require that meetings of municipal councils, local boards and their committees be open to the public unless a subject-matter described in subsection 55 (4) is being discussed. The section also requires that records relating to real property that has been acquired by a municipality or local board be available for public inspection.

The new section 55a would require every municipality and local board to enact a procedure by-law governing the proceedings of meetings, the conduct of members and the calling of meetings including meetings of a committee of council or of a local board.

SECTIONS 2 and 3. Consequential amendments are made to the *Municipal Act* as a result of the new section 55a.

SECTION 4. Section 195 of the *Municipal Act* is re-enacted to require every council and local board to establish by by-law procedures governing the sale of property. Public notice of a proposed sale is required. The property must be declared surplus and at least one appraisal of the fair market value of the property must be obtained. The records relating to real property that has been declared surplus are to be made available for public inspection.

The new section 195a would give Her Majesty in right of Ontario, or a designate of Her Majesty, the right to purchase lands declared surplus by prescribed municipalities or local boards for housing purposes.

SECTIONS 5 to 17. Section 55a of the *Municipal Act* (requiring a procedure by-law) is made applicable to the council of every regional, district and metropolitan municipality and the County of Oxford and their local boards.

Bill 152 **1990**

An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition
R.S.O. 1980, c. 303

55.—(1) In this section and section 55a, "local board" means a local board as defined in the *Municipal Affairs Act*, except boards of commissioners of police, library boards and school boards.

Open meetings

(2) Subject to subsection (4), the meetings of a council, a local board and a committee of a council or local board shall be open to the public if any decision is being made or recommendation being considered and no person shall be excluded from a meeting except for improper conduct.

Exclusion of certain persons

(3) The head or other presiding officer may expel from a meeting any person who has been guilty of improper conduct at the meeting.

Closed meetings

(4) A special meeting of a council or local board and a meeting of a committee of a council or local board may be closed to the public if the subject-matter being considered relates to,

(a) the security of the property of the municipality or local board;

(b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition of real property for municipal or local board purposes;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation affecting the municipality or local board; or

1981, c. 70

(f) matters under the *Municipal Boundary Negotiations Act, 1981* or annexation of unorganized territory.

Idem

(5) If a special or committee meeting is closed to the public, the clerk of the municipality or the recording official of the local board, as the case may be, shall record in the minutes of the next regular meeting the holding of the closed meeting and the matter in subsection (4) being considered which resulted in the closed meeting.

Inspection of documents relating to land purchase

(6) Any person may inspect records, accounts and documents relating to real property that has been acquired by a municipality or local board including inter-departmental correspondence and reports of officials and solicitors of the municipality or local board.

Copies

(7) The municipality or local board shall, upon request, furnish copies of a record, account or document mentioned in subsection (6) upon payment of the fee normally charged by the municipality or local board for making copies.

Procedure by-law

55a.—(1) Every council and local board shall enact a procedure by-law for governing the proceedings of meetings, the conduct of members and the calling of meetings of the council and its committees and of the local board and its committees, respectively.

Copy of procedure by-law to members

(2) The clerk of a municipality or the administrative head of the local board shall provide to each member of the council or local board and to each member of a committee of the council or local board a copy of the procedure by-law when the member of council makes the declaration of office or the member of a local board or committee is sworn into office or appointed to a committee.

2. Section 58 of the said Act is repealed and the following substituted therefor:

Place of special meeting

58. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the last meeting was held.

3. Section 104 of the said Act is repealed and the following substituted therefor:

104. Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law. General power to make regulations

4. Section 195 of the said Act is repealed and the following substituted therefor:

195.—(1) In this section, "local board" means a local board as defined in the *Municipal Affairs Act*, except school boards. Definition R.S.O. 1980, c. 303

(2) Subject to subsections (3) to (8), the determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation that the council may lawfully sell, shall be sold, is not open to question or review by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith. Sale of land by council not open to question

(3) Subsections (4) to (8) and any procedures set out in a by-law passed under subsection (4) do not apply to, Non-application to certain property

(a) the sale of property under sections 112a and 113 and subsection 316 (2);

(b) the sale of property under section 44 of the *Expropriations Act* to an owner from whom the land was taken; R.S.O. 1980, c. 148

(c) the sale of property to a local, county, metropolitan, regional or district municipality, the County of Oxford, a local board, school board, or a provincial or federal government or its agencies; or

(d) the sale of real property to a purchaser designated under subsection 195a (2).

(4) Every council and local board shall by by-law establish procedures governing the sale of property by public tender, public auction or otherwise as the council or local board considers is in the best interests of the public. By-laws respecting sale of property

(5) A by-law under subsection (4) shall provide for public notice of a proposed sale and an opportunity for any person to make representations to the council or local board respecting the proposed sale. Public notice requirement

Copy of by-law to be given to members

(6) The clerk of the municipality or the administrative head of the local board shall provide to each member of the council or local board a copy of the by-law when the member of council makes the declaration of office or the member of the local board is sworn into office.

Sale of surplus real property

(7) Before selling any real property, every council and local board shall,

(a) by by-law, or in the case of a local board, by by-law or resolution, declare the property to be surplus and no longer required for its purposes; and

(b) obtain at least one appraisal of the fair market value of the property from an accredited appraiser.

Inspection of documents relating to surplus land

(8) Any person may inspect the records containing the description of real property declared surplus under clause (7) (a).

Copies

(9) The municipality or local board shall, upon request, furnish copies of a record mentioned in subsection (8) upon payment of the fee normally charged by the municipality or local board for making copies.

Surplus real property

195a.—(1) Notwithstanding this or any other Act, a prescribed municipality or local board that intends to sell surplus real property shall notify Her Majesty in right of Ontario of its intention.

Purchase by province or designate

(2) Upon receipt of the notice under subsection (1), Her Majesty in right of Ontario may, within the prescribed period, inform the clerk of the municipality or administrative head of the local board that it wishes to buy or designate a purchaser to buy the property for housing purposes.

Time restriction

(3) If Her Majesty in right of Ontario does not inform the clerk or administrative head within the prescribed period, the municipality or local board may offer to sell the land to any person.

Right to purchase

(4) If Her Majesty in Right of Ontario informs the clerk that it wishes to buy the land or designates a purchaser to buy the land for housing purposes, Her Majesty or the designated purchaser may, within a prescribed period, enter an agreement to purchase the property at fair market value or at any other price agreed upon between the municipality or local board and the purchaser.

Extension of time

(5) The time period prescribed under subsection (4) may be extended by agreement of the parties to the purchase agreement.

Where no agreement reached

(6) If Her Majesty in right of Ontario or the designated purchaser does not enter an agreement within the period prescribed under subsection (4) or extended by agreement under subsection (5), the municipality or local board may offer to sell the land to any person.

Exclusions

(7) This section does not apply to the sale of real property,

(a) under section 113;

(b) under subsection 316 (2) where an abutting owner exercises a right of purchase; or

(c) under section 44 of the *Expropriations Act* to an owner from whom the land was taken. R.S.O. 1980, c. 148

Regulations

(8) The Lieutenant Governor in Council may make regulations,

(a) prescribing local boards and municipalities, including metropolitan, regional and district municipalities and the County of Oxford to which this section applies;

(b) prescribing the manner in which a purchaser shall be designated under subsection (2); and

(c) prescribing the time periods for the purposes of this section.

5.—(1) Section 12 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 15 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 65, section 1, is further amended by inserting after "55" in the first line "55a".

6.—(1) Section 14 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 4, is further amended by inserting after "55" in the first line "55a".

7.—(1) Section 15 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 18 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 66, section 2, is further amended by inserting after "55" in the first line "55a".

8.—(1) Section 14 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 1, is further amended by inserting after "55" in the first line "55a".

9.—(1) Section 14 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 8, is further amended by inserting after "55" in the first line "55a".

10.—(1) Section 14 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 14, is further amended by inserting after "55" in the first line "55a".

11.—(1) Section 13 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 16 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 20, is further amended by inserting after "55" in the first line "55a".

12.—(1) Section 13 of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 16 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 27, is further amended by inserting after "55" in the first line "55a".

13.—(1) Section 17 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 20 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 33, is further amended by inserting after "55" in the first line "55a".

14.—(1) Section 14 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 17 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 37, is further amended by inserting after "55" in the first line "55a".

15.—(1) Section 13 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 16 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 43, is further amended by inserting after "55" in the first line "55a".

16.—(1) Section 13 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 16 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 51, is further amended by inserting after "55" in the first line "55a".

17.—(1) Section 13 of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 16 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 72, section 56, is further amended by inserting after "55" in the first line "55a".

18. This Act comes into force on the day it receives Royal Assent. Commencement

19. The short title of this Act is the *Municipal Statute Law Amendment Act, 1990*. Short title

Appendix C - Municipalities Proposed for Designation

MUNICIPALITIES PROPOSED FOR DESIGNATION

CATEGORY 1:
Municipalities identified as Priority Areas under the Land Use Planning for Housing Policy Statement

Durham Region

- Oshawa
- Ajax
- Newcastle
- Pickering
- Whitby
- Brock
- Scugog
- Uxbridge

Halton Region

- Burlington
- Halton Hills
- Milton
- Oakville

Hamilton-Wentworth Region

- Hamilton
- Stoney Creek
- Ancaster
- Dundas
- Flamborough
- Glanbrook

Metro Toronto

- Etobicoke
- North York
- Scarborough
- Toronto
- York
- East York

Niagara Region

- Niagara Falls
- Port Colborne
- St. Catharines
- Thorold
- Welland
- Fort Erie
- Grimsby
- Lincoln
- Niagara-on-the-Lake
- Pelham
- Wainfleet
- West Lincoln

Ottawa-Carleton Region

- Gloucester
- Kanata
- Nepean
- Ottawa
- Vanier
- Rockcliffe Park
- Cumberland
- Goulbourn
- Osgoode
- Rideau
- West Carleton

Peel Region

- Brampton
- Mississauga
- Caledon

Waterloo Region

- Cambridge
- Kitchener
- Waterloo
- North Dumfries
- Wellesley
- Wilmot
- Woolwich

York Region

- Aurora
- East Gwillimbury
- Georgina
- Markham
- Newmarket
- Richmond Hill
- Vaughan
- Whitchurch-Stouffville
- King

Toronto CMA (Additional)

- Orangeville

- Beeton
- Bradford
- Tecumseth
- Tottenham
- West Gwillimbury

(the above 5 are subject to boundary readjustments)

London CMA

- Belmont
- Delaware
- Lobo
- London City
- London Township
- North Dorchester
- Port Stanley
- Southwold
- St. Thomas
- West Nissouri
- Westminster
- Yarmouth

Windsor CMA

- Anderdon
- Belle River
- Colchester North
- Essex
- Maidstone
- Rochester
- Sandwich South
- Sandwich West
- St. Clair Beach
- Tecumseh
- Windsor

CATEGORY 2: Municipalities not identified as Priority Areas under the Policy Statement but having a population greater than 25,000

- Barrie
- Belleville
- Brantford
- Chatham
- Cornwall
- Guelph
- Kingston
- Kingston Township
- North Bay
- Orillia
- Peterborough
- Sarnia-Clearwater
- Sault Ste. Marie
- Stratford
- Sudbury
- Timmins
- Woodstock

Appendix D - Acknowledgements

AMO would like to thank the following members of the AMO Housing Task Force for their work and contribution in the preparation of this response:

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